



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

OCT 03 2016

Mr. Brent Carnell, Quality Manager
Garrett Container Systems, Inc.
123 N. Industrial Park Avenue
Accident, MD 21520

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Garrett Container Systems, Inc.

Information Request - Reference No. C16-026
EPA ID No. MD0000052175

Dear Mr. Carnell:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of Garrett Container Systems, Inc. ("GCS" or "the Facility") located in Accident, MD on August 16, 2016. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to

EPA in response to the following requests must be complete and legible.

As used herein, the term “document” means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266 and 268 shall have the meanings set forth therein.

Requested Information

1. During the August 16, 2016 EPA inspection, the EPA inspector observed that GCS generates a spent coolant from its CNC milling machines. Subsequent to the inspection on August 23, 2016, the Facility provided via e-mail, a copy of a Safety Data Sheet (“SDS”) for the cutting coolant (*Lactuca MS 5000*) that it uses in its CNC milling machines.

In an e-mail correspondence dated September 1, 2016, GCS also provided a copy of hazardous waste manifest #009775619 FLE dated 8/29/16, which documented an offsite shipment of two containers of D001 (ignitable) hazardous waste that included one container of spent hazardous waste paint and one container of spent CNC milling machine coolant. With regard to the spent CNC machine waste coolant that was sent offsite under the provided hazardous waste manifest, please provide the following information:

- a. State whether or not a “waste determination” and “LDR determination” was made for the spent coolant(s).
- b. If a “waste determination” was made for the spent coolant(s), state whether the waste determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator’s knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.
- c. Was the CNC spent coolant determined to be “hazardous waste?” If so, state the specific EPA Hazardous Waste Code(s) associated with the spent coolant that was determined to be a hazardous waste.

Based on a review of GCS’s past hazardous waste manifests provided by the Facility during the EPA inspection, GCS’s monthly generation rates appear to exceed conditionally exempt small quantity

generator (“CESQG”) hazardous waste generation thresholds. Therefore, GCS would be subject to more stringent hazardous waste generation requirements per 40 C.F.R. Part 262, and the “generator” requirements under the federally authorized Code of Maryland Regulations (“COMAR”) during the time frames when CESQG rates were exceeded. CESQG status is partly based on:

- the amount of hazardous waste generated on site during a calendar month being less than 100 kg;
- the amount of acutely hazardous waste generated in a month being less than 1 kg; and
- the total amount of hazardous waste stored onsite being less than 1,000 kg.

If the GCS determines the waste stream noted in Section 1 of this information request letter to be a hazardous waste, and GCS exceeds the CESQG status hazardous waste generation amounts as outlined in the bullet points above, then GCS will be subject to more stringent generator requirements under 40 C.F.R. Part 262 and COMAR.

A copy of the August 16, 2016 inspection report documenting the findings of the inspector is enclosed as Attachment A for your information, and includes only those attachments not provided by the facility representative(s) at the time of or subsequent to the inspection.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

With regard to the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”), please see the “Information for Small Businesses” memo, enclosed as Attachment B, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your Facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA’s decision to pursue an enforcement action. To preserve your Facility’s legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA’s enforcement actions. EPA has not made a determination as to whether or not your Facility is covered by SBREFA.

Your Facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your Facility.

This request for information is not subject to review by the Office of Management and Budget

pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Please send your response to:

Andrew Ma
US EPA Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755-5350

If you have any questions concerning this matter, please contact Mr. Andrew Ma at (410) 305-3429.

Sincerely,



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: A. Ma (3LC70) w/o